

REMARKS

In the Office Action¹, the Examiner rejected claims 2, 3, and 8-10 under 35 U.S.C. § 112, second paragraph, as being indefinite; and rejected claims 1 and 4-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,497,719 to Pearl et al. ("*Pearl*").

Applicant amends claims 1, 3, and 8-10, cancels claim 2 without prejudice or disclaimer, and adds claims 11-16. Thus, claims 1 and 3-16 remain pending and under current examination.

Applicant respectfully traverses the rejection of claims 2, 3, and 8-10 under 35 U.S.C. § 112, second paragraph, as being indefinite. Nevertheless, in order to further advance prosecution, Applicant amends claims 3 and 8-10 for further clarity. Applicant also cancels claim 2, rendering its rejection moot. Accordingly, Applicant respectfully requests the withdrawal of this rejection and allowance of claims 3 and 8-10.

Applicant respectfully traverses the rejection of claims 1 and 4-7 under 35 U.S.C. § 102(e) as being anticipated by *Pearl*. In order to support a rejection under 35 U.S.C. § 102, each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Pearl fails to disclose each and every element of claim 1. For example, *Pearl* fails to teach or suggest at least "a contact drive mechanism which reciprocates said first and second contact groups respectively in a direction along the skin surface so that approach and separation of the tip portion of said first contact group and the tip portion of the second contact group are repeated," as recited in claim 1.

Pearl is directed to a hand-held laser device that stimulates hair growth (Abstract). However, *Pearl* is silent with respect to "a contact drive mechanism" of the laser device, let alone "a contact drive mechanism which reciprocates said first and second contact groups respectively in a direction along the skin surface so that approach and separation of the tip portion of said first contact group and the tip portion of the second contact group are repeated," as recited in claim 1.

For at least the above reasons, *Pearl* fails to anticipate claim 1, and claim 1 is allowable. Claims 4-7 depend from independent claim 1, and are thus allowable at least by virtue of their dependence. Therefore, Applicant respectfully requests the Examiner withdraw this rejection.

Independent claim 8, while of different scope, distinguishes from the prior art for at least similar reasons as claim 1. Claims 9 and 10 depend from claim 8, and are thus allowable at least by virtue of their dependency. Applicant thus requests allowance of claims 8-10.

New claims 11-16 depend from independent claims 1 or 8, and are also allowable at least by virtue of their dependence. Accordingly, Applicant requests the allowance of these claims.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 8, 2010

By: /Jia W. Lu/
Jia W. Lu
Reg. No. 61,543
(202) 408-4000